

USDC SCAN INDEX SHEET



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3:00-CV-01527 GRANT V. BAETZ

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\*CMP.\*

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7 UNITED STATES DISTRICT COURT  
8 SOUTHERN DISTRICT OF CALIFORNIA

00 CV 1527 (J) (JAH)

9 ERIC GRANT,

) File No.

10 Lead Plaintiff,

) CLASS ACTION

11 v.

) COMPLAINT FOR:

12 DOUGLAS R. BAETZ, GLENN M.  
GALLANT, COLUMBIA CAPITAL CORP.,  
13 FIRST INDEPENDENT COMPUTERS  
CORP., and DOES 1 - 100,

) 1) VIOLATION OF THE SECURITIES  
EXCHANGE ACT OF 1934;  
) 2) VIOLATION OF CALIFORNIA  
CORPORATIONS CODE SECTION  
25400 ET SEQ.;

14 Defendants.

) 3) VIOLATION OF THE RACKETEER  
INFLUENCED CORRUPT  
15 ORGANIZATIONS ACT;  
) 4) FRAUD;  
) 5) CONSPIRACY;  
) 6) VIOLATION OF CALIFORNIA  
16 BUSINESS AND PROFESSIONS  
17 CODE SECTION 17200 ET SEQ.

18 DEMAND FOR JURY TRIAL  
19 )  
20 )

**BY FAX**

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**Filed By  
Fax & File**

JURISDICTION AND VENUE

1. Jurisdiction is conferred by §27 of the Securities Exchange Act of 1934 ("1934 Act"). The claims asserted herein arise under §§10(b) and 20(a) of the 1934 Act and SEC Rule 10b-5. Further jurisdiction is conferred pursuant to the Racketeer Influenced Corrupt Organizations Act ("RICO"). The claims asserted herein further arise under of RICO. Further jurisdiction is conferred by supplemental or pendent jurisdiction as to Plaintiffs' state law claims.

2. Venue is proper in this District pursuant to §27 of the 1934 Act. Defendants further sold or caused to be sold securities in Columbia Capital Corp. to investors residing in this District and issued false and misleading statements to such investors.

THE PARTIES

3. Plaintiff Eric Grant purchased or acquired 500 shares of Columbia Capital stock during the Class Period, and suffered damages as a result of violations of the federal securities laws alleged herein.

4. Defendant Columbia Capital Corp. ("Columbia" or the "Company") a Delaware corporation with its principal executive offices located in Abilene, Texas, is in the business of credit and debit card services, banking and financial services, and document management and distribution services. Columbia's common stock trades in an efficient market on the NASDAQ National Market System.

5. Defendant Douglas R. Baetz ("Baetz") was at all relevant times a director, officer and principal shareholder of Columbia. He signed Columbia's relevant shareholder disclosure documents and SEC reports issued during the Class Period.

1           6. Defendant Glenn M. Gallant ("Gallant") was at all  
2 relevant times Secretary of Columbia and chairman of the board of  
3 directors and a principal shareholder. He signed Columbia's  
4 relevant shareholder disclosure documents and SEC reports issued  
5 during the Class Period.

6           7. Defendant First Independent Computers, Inc., a Texas  
7 corporation ("FICI"), is in the business of information services  
8 and at all times relevant hereto has been a wholly-owned subsidiary  
9 of Columbia.

10          8. The individuals named as defendants in ¶¶5-6 above are  
11 referred to herein as the "Individual Defendants." The Individual  
12 Defendants, because of their positions as high-ranking officers  
13 and/or directors with the Company, possessed the power and  
14 authority to control the contents of Columbia's quarterly and  
15 annual reports, SEC filings, press releases and presentations to  
16 securities analysts, money and portfolio managers and institutional  
17 investors, i.e., the market. Each defendant was provided with  
18 copies of the Company's reports, SEC filings and press releases  
19 alleged herein to be misleading prior to or shortly after their  
20 issuance and had the ability and opportunity to prevent their  
21 issuance or cause them to be corrected. Because of their positions  
22 and access to material non-public information available to them but  
23 not to the public, each of these defendants knew that the adverse  
24 facts specified herein had not been disclosed to and were being  
25 concealed from the public and that the positive representations  
26 which were being made were then materially false and misleading.  
27 The Individual Defendants are liable for the false statements  
28 pleaded herein, as those statements were each "group-published"

1 information, the result of the collective action of the Individual  
2 Defendants.

3 9. Each defendant is liable for (i) making false statements,  
4 or (ii) failing to disclose adverse facts known to him about  
5 Columbia while selling Columbia stock, or (iii) participating in a  
6 fraudulent scheme which permitted defendants to sell shares of  
7 Columbia stock at artificially inflated prices. Defendants'  
8 fraudulent scheme and course of business that operated as a fraud  
9 or deceit on purchasers of Columbia stock was a success, as it  
10 (i) deceived the investing public regarding Columbia's products and  
11 business; (ii) artificially inflated the price of Columbia's stock  
12 and publicly traded options; and (iii) caused Plaintiffs and other  
13 members of the Class to purchase Columbia stock and options at  
14 inflated prices.

15 **STATEMENT OF THE CASE**

16 10. This is a securities class action on behalf of purchasers  
17 of the common stock and publicly traded options for common stock of  
18 Columbia from January 1, 1998 through and including December 31,  
19 1999 (the "Class Period"), against Columbia and certain of its  
20 officers and directors for violations of the 1934 Act.

21 11. Columbia is in the business of credit and debit card  
22 services, banking and financial services, and document management  
23 and distribution services. In connection with these services,  
24 Columbia provides its customers with a link between consumers,  
25 merchants and financial institutions by capturing the initial  
26 transaction at the point of sale, giving the merchant credit for  
27 that transaction, posting the transaction to the financial

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1 institution's accounts receivables and general ledger, and  
2 ultimately placing the transaction on the customer's statement.  
3 Columbia operates through its wholly-owned subsidiary, First  
4 Independent Computers, Inc., a Texas corporation ("FICI"), a multi-  
5 faceted information service company.

6 12. On April 28, 1997, Defendants Gallant and Baetz purchased  
7 all the common stock of FICI for \$1,600,000 in cash. On September  
8 23, 1997, Columbia purchased all of the common stock of FICI from  
9 Defendants Gallant and Baetz in exchange for 10,631,250 shares of  
10 Columbia common stock, which represented approximately 85% of  
11 Columbia's then issued and outstanding stock.

12 13. During the Class Period, Columbia's executives issued  
13 extremely positive statements about Columbia's business.  
14 Defendants told investors that Columbia enjoyed strong or  
15 increasing demand for most of its products and services. The  
16 truth, however, contrasted starkly with defendants'  
17 representations.

18 14. Plaintiffs are informed and believe that Defendants  
19 materially inflated sales and earnings, deceiving the investing  
20 public. Defendants thus caused Columbia's financial results  
21 reported during the Class Period to be in gross violation of  
22 Generally Accepted Accounting Principles ("GAAP"). Defendants  
23 carefully concealed their conduct.

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1 15. Defendants' public statements were materially false. The  
2 effect of this fraud was to inflate Columbia's financial results  
3 and to cause the market to overvalue Columbia stock and options  
4 during the Class Period.

5 **DEFENDANTS' SCIENTER**

6 16. The Individual Defendants had the ability to commit the  
7 fraud complained of, and did, as they were the top executives  
8 and/or directors of Columbia. Each of the Individual Defendants  
9 was in a position to, and did, learn the details of Columbia's  
10 business condition, financial reporting, operating results,  
11 prospects, and sales and inventory practices, through numerous  
12 management meetings, through conversations with other executive  
13 officers and directors, and through the review of regularly  
14 prepared reports that were circulated among defendants and others  
15 regarding the Company's sales, orders, inventories, products, and  
16 financial performance. As Columbia's top executives and/or  
17 directors, the Individual Defendants controlled Columbia's publicly  
18 issued financial statements and the disclosures made in them,  
19 Columbia's public statements, and its SEC filings, and thus could  
20 falsify them. They were involved with important issues facing  
21 Columbia's business such as directing and managing sales, and  
22 issuing Columbia's SEC filings, press releases and financial  
23 statements.

24 17. Not only did defendants learn of the adverse factors  
25 affecting Columbia's business, plaintiffs are informed and believe  
26 that they directed steps to conceal these facts from the investing  
27 public.

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1       18. Each of the Individual Defendants, because of their top  
2 executive positions with Columbia and involvement in the day-to-day  
3 management of its business, actually knew from conversations with  
4 other corporate officers and employees and their attendance at  
5 management and Board meetings, the adverse non-public information  
6 about Columbia's misleading financial statements, its deteriorating  
7 revenue and EPS prospects, the lack of demand for its services.  
8 Thus, each Individual Defendant actually knew or with deliberate  
9 recklessness disregarded that Columbia's public statements were  
10 false and/or misleading when made.

11                   DEFENDANTS' FALSE AND MISLEADING STATEMENTS  
12                   DURING THE CLASS PERIOD

13       19. As part of defendants' scheme to lead the investing  
14 public to believe that Columbia's finances, business and prospects  
15 for growth were sound, Columbia issue a number of false and  
16 misleading statements in, inter alia, reports filed with the SEC,  
17 reports to shareholders, and press releases.

18       20. The positive statements about Columbia's business made by  
19 defendants during the Class Period were materially false and/or  
20 misleading when issued, and failed to disclose adverse information  
21 which was then known only to defendants due to their access to  
22 internal Columbia data and which was required to be disclosed to  
23 make the statements made not misleading.

24       21. Columbia's financial statements and the statements about  
25 them were false and misleading, as such financial information was  
26 not prepared in conformity with GAAP, nor was the financial  
27 information "a fair presentation" of Columbia's operations due to  
28 Columbia's improper accounting in violation of GAAP and SEC rules.



1        22. GAAP are those principles recognized by the accounting  
2 profession as the conventions, rules and procedures necessary to  
3 define accepted accounting practice at a particular time.  
4 Regulation S-X (17 C.F.R. §210.4-01(a)(1)) states that financial  
5 statements filed with the SEC which are not prepared in compliance  
6 with GAAP are presumed to be misleading and inaccurate. Regulation  
7 S-X requires that interim financial statements must also comply  
8 with GAAP, with the exception that interim financial statements  
9 need not include disclosure which would be duplicative of  
10 disclosures accompanying annual financial statements. 17 C.F.R.  
11 §210.10-01(a).

12        23. Due to accounting improprieties with respect to its  
13 income, earnings, services and/or reserves, the Company presented  
14 its financial results and statements in a manner which violated  
15 GAAP.

16        24. Further, the undisclosed adverse information concealed by  
17 defendants during the Class Period is the type of information  
18 which, because of SEC regulations, regulations of the national  
19 stock exchanges and customary business practice, is expected by  
20 investors and securities analysts to be disclosed and is known by  
21 corporate officials and their legal and financial advisors to be  
22 the type of information which is expected to be and must be  
23 disclosed.

24                                **FIRST CLAIM FOR RELIEF**  
25                                **For Violation Of §10(b) Of The 1934 Act**  
                                 **And Rule 10b-5 Against All Defendants**

26        25. The preceding and superceding paragraphs are incorporated  
27 herein by this reference.

28        / / /

1        26. During the Class Period, defendants disseminated or  
2 approved the false statements specified above, which they knew or  
3 recklessly disregarded were misleading in that they contained  
4 misrepresentations and failed to disclose material facts necessary  
5 in order to make the statements made, in light of the circumstances  
6 under which they were made, not misleading.

7        27. Defendants violated §10(b) of the 1934 Act and Rule 10b-5  
8 in that they:

9            (a) Employed devices, schemes, and artifices to defraud;

10           (b) Made untrue statements of material facts or omitted  
11 to state material facts necessary in order to make statements made,  
12 in light of the circumstances under which they were made, not  
13 misleading; or

14           (c) Engaged in acts, practices, and a course of business  
15 that operated as a fraud or deceit upon Plaintiffs and others  
16 similarly situated in connection with their purchases of Columbia's  
17 common stock and publicly traded options during the Class Period.

18        28. Plaintiffs and the Class have suffered damages in that,  
19 in reliance on the integrity of the market, they paid artificially  
20 inflated prices for Columbia stock and options. Plaintiffs and the  
21 Class would not have purchased Columbia stock or options at the  
22 prices they paid, or at all, if they had been aware that the market  
23 prices had been artificially and falsely inflated by defendants'  
24 misleading statements.

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1       29. As a direct and proximate result of these defendants'  
2 wrongful conduct, Plaintiffs and the other members of the Class  
3 suffered damages in connection with their purchases of Columbia  
4 common stock and its publicly traded options during the Class  
5 Period.

6                               **SECOND CLAIM FOR RELIEF**  
7                               **For Violation Of §20(a) Of The 1934 Act**  
8                               **Against All Individual Defendants**

9       30. The preceding and superceding paragraphs are incorporated  
10 herein by this reference.

11       31. Each of the Individual Defendants acted as a controlling  
12 person of Columbia within the meaning of §20(a) of the 1934 Act.  
13 By reason of their positions as officers and directors of Columbia,  
14 and their ownership of Columbia stock, the Individual Defendants  
15 had the power and authority to cause Columbia to engage in the  
16 wrongful conduct complained of herein.

17                               **THIRD CAUSE OF ACTION**  
18                               **(Civil RICO)**  
19                               **(Against all Defendants)**

20       32. The preceding and superceding paragraphs are incorporated  
21 herein by this reference.

22       33. During the relevant time frame, Defendants have engaged  
23 in at least two acts of racketeering, including, but not limited  
24 to, committing wire fraud, mail fraud, and securities fraud.

25       34. In undertaking the aforescribed actions, Defendants,  
26 and each of them, have engaged in a pattern of racketeering  
27 activity, pursuant to 18 U.S.C section 1962 (a), (b), (c) and (d).  
28 Among other things, Defendants' acts constitute violations of 18  
U.S.C sections 1951 (interference with commerce and extortion);  
1952 (racketeering); 1957 (relating to engaging in monetary

1 transactions in property derived from unlawful activity); and 1959  
2 (use of violence in racketeering activities).

3 35. In undertaking their unlawful actions, defendants, and  
4 each of them, have through a pattern of racketeering activity,  
5 become associated with an enterprise engaged in, or the activities  
6 of which affect, interstate or foreign commerce, and have conducted  
7 or participated in the conduct of the affairs of said enterprise.

8 36. In undertaking their unlawful actions, Defendants, and  
9 each of them, have violated and conspired to violate the provisions  
10 of 18 U.S.C. 1962 (a), (b), (c) and (d).

11 37. By reason of the foregoing, Plaintiffs have been injured  
12 in their business or property in an amount which cannot be  
13 presently ascertained. Among other damages and injuries,  
14 Plaintiffs have sustained economic damages by virtue of their  
15 investments in Columbia.

16 38. As a result of the foregoing, Plaintiffs are entitled to  
17 treble damages, plus interest, in an amount to be determined; costs  
18 of this suit, and attorneys fees.

19 **FOURTH CAUSE OF ACTION**  
20 (California Corporations Code section 25400, et seq.)  
(Against all Defendants)

21 39. The preceding and superceding paragraphs are incorporated  
22 herein by this reference.

23 40. California Corporations Code section 25401 makes it  
24 unlawful for any person to offer or sell a security in California  
25 or buy or offer to buy a security in California by means of any  
26 written or oral communication which contains an untrue statement of  
27 material fact or omits to state a material fact necessary in order  
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1 to make the statements made, in the light of the circumstances  
2 under which they were made, not misleading.

3 41. Defendants, by the acts herein complained of, sold or  
4 caused to be sold Columbia securities in California by means of  
5 written and/or oral communications containing untrue statements of  
6 material fact and/or omitting to state material facts necessary in  
7 order to make the statements made, in the light of the  
8 circumstances under which they were made, not misleading.  
9 Defendants thus are in violation of California Corporations Code  
10 section 25401.

11 42. California Corporations Code section 25402 makes it  
12 unlawful for any issuer or person who is an officer, director or  
13 controlling person of any issuer or any other person whose  
14 relationship to the issuer gives him access, directly or  
15 indirectly, to material information about the issuer not generally  
16 available to the public, to purchase or sell any security of the  
17 issuer in this state at a time when he knows material information  
18 about the issuer gained from such relationship which would  
19 significantly affect the market price of that security and which is  
20 not generally available to the public, and which he knows is not  
21 intended to be so available, unless he has reason to believe that  
22 the person selling to or buying from him is also in possession of  
23 the information.

24 43. Defendants, who were officers, directors or controlling  
25 persons of Columbia, had access, directly or indirectly, to  
26 material information about the issuer not generally available to  
27 the public. Defendant, by the acts herein complained of, purchased  
28 and/or sold securities of Columbia in California at a time when

1 they knew material information about the issuer gained from such  
2 relationship that would significantly affect the market price of  
3 Columbia common stock and which was not generally available to the  
4 public, and which they knew was not intended to be so available.  
5 Defendants had no reason to believe that the person selling to  
6 and/or buying from them also had possession of the information.  
7 Defendants thus are in violation of California Corporations Code  
8 section 25402.

9 44. Under section 25501, defendants are liable to plaintiffs  
10 for rescission and/or damages for their violations of section  
11 25401. Under section 25502, defendants are liable to plaintiffs  
12 for damages for their violations of section 25402.

13 FIFTH CAUSE OF ACTION  
14 (Common Law Fraud)  
(Against All Defendants)

15 45. The preceding and superceding paragraphs are incorporated  
16 herein by this reference.

17 46. Defendants knew that the representations they made to  
18 plaintiffs regarding Columbia, its finances and prospects were  
19 false and misleading when made. Defendants also knew that the  
20 omissions of material fact made to plaintiffs regarding Columbia,  
21 its finances and prospects, were false and misleading when made.

22 47. Defendants made these false representations, and omitted  
23 to state material facts, with the express purpose of inducing  
24 plaintiffs to invest and purchase shares in Columbia.

25 48. Plaintiffs reasonably relied on Defendants' false  
26 representations, and on their omissions to state material facts, to  
27 invest in and purchase shares of Columbia.

28

1       49. As a result of the false representations and omissions of  
2 Defendants, plaintiffs were injured.

3                               SIXTH CAUSE OF ACTION  
4                               (Unfair Business Practices, California Business  
5                               and Professions Code section 17200, et seq.)  
6                               (Against all Defendants)

7       50. The preceding and superceding paragraphs are incorporated  
8 herein by this reference.

9       51. Defendants have engaged in improper or illegal activities  
10 which amount to unfair business practices, under Business and  
11 Professions Code section 17200, et seq.

12       52. Defendants have solicited and collected money from members  
13 of the public (including residents of California) for investments  
14 in Columbia securities. Plaintiffs are informed and believe that  
15 the money collected by Defendants has been used to further  
16 Defendants' unlawful activities. When investing money in Columbia  
17 securities, plaintiffs did not know it was furthering defendants'  
18 unlawful activities. Moreover, material information that would  
19 impact on the investing public's decisions on whether or not to  
20 invest money in Columbia was withheld from investors.

21       53. The actions of Defendants alleged in this complaint  
22 constitute violations of the Unfair Practices Act, California  
23 Business and Professions Code section 17200, et seq. Additionally,  
24 the benefits of Defendants' actions, when weighed against the risk  
25 of misleading or harming the public, are far out weighed so as to  
26 constitute unfair business practices.

27       54. Pursuant to California Business and Professions Code  
28 section 17204, Plaintiffs bring this cause of action on their own  
behalf and on behalf of the public.

1 55. In doing the acts alleged, Defendants acted with the intent  
2 and purpose of preying on the public, who are unaware of  
3 Defendants' pattern and practice of illegal activities.

4 56. Plaintiffs and the public have no adequate remedy at law,  
5 since many of the unfair acts alleged herein are perpetrated in  
6 secret, without the knowledge of the public. Defendants' acts also  
7 serve to divert business of other bona fide organizations and  
8 destroy competition.

9 57. Plaintiffs are informed and believe that the acts  
10 of Defendants alleged herein have caused the public damages in  
11 excess of the jurisdictional limits of this court, and that any  
12 further acts by Defendants, unless restrained, will cause  
13 irreparable injury and damages to the public and Defendants'  
14 competitors, the exact nature, amount, and extent of which will be  
15 impossible to ascertain.

16 58. Plaintiffs also seeks an order requiring Defendants to  
17 disgorge profits acquired by means of the unfair business practices  
18 alleged above.

19 59. Plaintiffs are also entitled to a reasonable award  
20 of attorneys fees for acting in the public's interest.

21 SEVENTH CAUSE OF ACTION  
22 (Conspiracy)  
(Against all Defendants)

23 60. The preceding and superceding paragraphs are incorporated  
24 herein by this reference.

25 61. Plaintiffs are informed and believe and thereon alleges  
26 that, in addition to or in the alternative to acting individually  
27 for their own improper purposes, Defendants, and each of them, also  
28



1 intentionally conspired with each other to perpetrate the wrongful  
2 and illegal acts alleged herein.

3 62. As direct and proximate result of Defendants' current and  
4 past actions, Plaintiffs have suffered damages in an amount to be  
5 proved at time of trial.

6 63. Defendants' actions were intentional and done with  
7 malice. Plaintiffs are, therefore, entitled to an award of  
8 punitive damages pursuant to Civil Code Section 3294 and other  
9 applicable law.

10 **PLAINTIFFS' CLASS ACTION ALLEGATIONS**

11 64. Plaintiffs bring this action as a class action pursuant  
12 to Federal Rules of Civil Procedure 23(a) and (b)(3) on behalf of  
13 a Class consisting of all persons who purchased shares of Columbia  
14 common stock and its publicly traded options during the period  
15 January 1, 1988 through December 31, 1999, inclusive (the Class  
16 Period), and who were damaged thereby. Excluded from the Class are  
17 defendants; the officers and directors of the Company during the  
18 Class Period, members of their immediate families, and their legal  
19 representatives, heirs, successors or assigns; and any entity in  
20 which defendants have or during the Class Period had a controlling  
21 interest.

22 65. The members of the Class are so numerous that joinder of  
23 all members is impracticable. While the exact number of Class  
24 members is unknown to plaintiffs at this time and can only be  
25 ascertained through appropriate discovery, plaintiffs believe that  
26 there are thousands of members of the Class and that they are  
27 geographically dispersed. As of this filing, there were millions  
28 of shares of Columbia common stock outstanding, which actively

1 traded under the ticker symbol "CLCK" through the NASDAQ bulletin  
2 board.

3 66. Plaintiffs' claims are typical of the claims of the  
4 members of the Class, as all members of the Class are similarly  
5 affected by defendants' wrongful conduct in violation of federal  
6 law and state law that is complained of in this Complaint.

7 67. Plaintiffs will fairly and adequately protect the  
8 interests of the members of the Class and have retained counsel  
9 competent and experienced in class action and securities  
10 litigation.

11 68. Common questions of law and fact exist as to all members  
12 of the Class and predominate over any questions solely affecting  
13 individual members of the Class. Among the questions of law and  
14 fact common to the Class are:

15 a) Whether defendants' acts as alleged herein constitute  
16 violations of the federal securities and state law;

17 b) Whether defendants participated in and pursued the  
18 common course of conduct complained of herein;

19 c) Whether statements made by defendants to the investing  
20 public during the Class Period misrepresented material facts about  
21 the business, finances and operating performance of Columbia;

22 (d) Whether the market price of Columbia's common stock  
23 and options during the Class Period was artificially inflated due  
24 to the material misrepresentations and failure to correct the  
25 material misrepresentations complained of in this Complaint; and

26 (e) Whether the members of the Class have sustained  
27 damages as a result of defendants' conduct and, if so, the proper  
28 measure of damages.

69. A class action is superior to all other available methods for the fair and efficient adjudication of this controversy, since joinder of all members is impracticable. Furthermore, as the damages suffered by individual Class members may be relatively small, the expense and burden of individual litigation make it impossible for members of the Class to individually redress the wrongs done to them. There will be no difficulty in the management of this action as a class action.

## STATUTORY SAFE HARBOR

70. The statutory safe harbor provided for forward-looking statements under certain circumstances does not apply to any of the allegedly false forward-looking statements pleaded in this Complaint. The statutory safe harbor does not apply to Columbia's false financial statements. Also, none of the particular oral forward-looking statements pleaded herein were identified as "forward-looking statements" when made. None of the written forward-looking statements made were identified as forward-looking statements. Nor was it stated as to either type of forward-looking statement that actual results "could differ materially from those projected." Nor did meaningful cautionary statements identifying important factors that could cause actual results to differ materially from those in the forward-looking statements accompany those forward-looking statements. Each of the forward-looking statements alleged herein to be false was authorized by an executive officer of Columbia and was actually known by each of the Individual Defendants to be false when made.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment as follows:

A. Declaring this action to be a proper class action pursuant to Rule 23;

B. Awarding Plaintiffs and the members of the Class damages, interest and costs (including reasonable attorneys' fees);

C. Awarding equitable and/or injunctive relief as permitted by law or equity, including the imposition of a constructive trust upon the proceeds of defendants' insider trading, pursuant to Rules 64, 65, and any appropriate state law remedies, and an order requiring Defendants to disgorge all profits and/or contributions obtained as a result of unfair practices; and


D. Awarding such other relief as the Court may deem just and proper.

JURY DEMAND

Plaintiffs demand a trial by jury.

DATED this 28th day of July, 2000.

THOMAS D. MAURIELLO

  
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1/04

(Rev. 07-99)

### CIVIL COVER SHEET

This JS-64 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of instituting the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

#### I. PLAINTIFFS

**ERIC GRANT**

00 JUL 28

(ii) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF  
(EXCEPT IN U.S. PLAINTIFF CASES)

**San Diego**

#### DEFENDANTS

**Douglas R. Baetz, Glenn M. Gallant, Columbia Capital Corp., First Independent Computers, Inc.**

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

#### III. ATTORNEY'S FIRM NAME, ADDRESS, AND TELEPHONE NUMBER

**Thomas D. Mauriello, Esq.  
Thomas D. Mauriello, A.P.C.  
425 Market St., Ste. 2200  
San Francisco, CA 94105**

#### ATTORNEYS (IF KNOWN)

**000V 1527 (J) (JAH)**

#### II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- ☐ U.S. Government Plaintiff ☒ Federal Question (U.S. Government Not a Party)  
☐ U.S. Government Defendant ☐ Diversity (Indicate Citizenship of Parties in Item III)

#### III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- (For Diversity Cases Only)
- | Citizen of This State    | Plaintiff                | Defendant                | Citizen of Another State | Plaintiff                | Defendant                | Citizen or Subject of a Foreign Country | Plaintiff                | Defendant                |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|---|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>                | <input type="checkbox"/> | <input type="checkbox"/> |

#### IV. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

**18.1962**

**Securities Exchange Act of 1934 - securities fraud  
RICO**

#### V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	PERSONAL INJURY	PROPERTY DAMAGE	FOREIGN INJURY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 100 Breach of Contract <input type="checkbox"/> 101 Breach of Contract <input type="checkbox"/> 102 Breach of Contract <input type="checkbox"/> 103 Breach of Contract <input type="checkbox"/> 104 Breach of Contract <input type="checkbox"/> 105 Breach of Contract <input type="checkbox"/> 106 Breach of Contract <input type="checkbox"/> 107 Breach of Contract <input type="checkbox"/> 108 Breach of Contract <input type="checkbox"/> 109 Breach of Contract <input type="checkbox"/> 110 Breach of Contract <input type="checkbox"/> 111 Breach of Contract <input type="checkbox"/> 112 Breach of Contract <input type="checkbox"/> 113 Breach of Contract <input type="checkbox"/> 114 Breach of Contract <input type="checkbox"/> 115 Breach of Contract <input type="checkbox"/> 116 Breach of Contract <input type="checkbox"/> 117 Breach of Contract <input type="checkbox"/> 118 Breach of Contract <input type="checkbox"/> 119 Breach of Contract <input type="checkbox"/> 120 Breach of Contract	<input type="checkbox"/> 200 Personal Injury <input type="checkbox"/> 201 Personal Injury <input type="checkbox"/> 202 Personal Injury <input type="checkbox"/> 203 Personal Injury <input type="checkbox"/> 204 Personal Injury <input type="checkbox"/> 205 Personal Injury <input type="checkbox"/> 206 Personal Injury <input type="checkbox"/> 207 Personal Injury <input type="checkbox"/> 208 Personal Injury <input type="checkbox"/> 209 Personal Injury <input type="checkbox"/> 210 Personal Injury <input type="checkbox"/> 211 Personal Injury <input type="checkbox"/> 212 Personal Injury <input type="checkbox"/> 213 Personal Injury <input type="checkbox"/> 214 Personal Injury <input type="checkbox"/> 215 Personal Injury <input type="checkbox"/> 216 Personal Injury <input type="checkbox"/> 217 Personal Injury <input type="checkbox"/> 218 Personal Injury <input type="checkbox"/> 219 Personal Injury <input type="checkbox"/> 220 Personal Injury	<input type="checkbox"/> 300 Property Damage 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#### VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- ☒ Original Proceeding ☐ Removal from State Court ☐ Remanded from Appellate Court ☐ Retained or Remanded ☐ Transferred from another district (specify) ☐ Mandamus Litigation ☐ Appeal to District Judge from Magistrate's Judgment

#### VII. REQUESTED BY COMPLAINT

☒ CHECK IF THIS IS A CLASS ACTION UNDER Fed. R. Civ. P. 23

#### DEMAND \$

Check YES only if demanded in complaint  
JURY DEMAND ☒ YES ☐ NO

#### VIII. RELATED CASES (DATE OF FILING)

DATE **7/28/00**

SIGNATURE OF ATTORNEY OF RECORD

**Thomas D. Mauriello**

00MAVPCDOCRWDPERFECT2231A1 January 24, 2000 (3:10pm)

**62576 4150 -**